

United States Patent and
Trademark Trial and Ap
P.O. Box 1451
Alexandria, VA 22313-14

TTAB

Mailed: April 13, 2007

Concurrent Use No. 94002102

Easy Cash, Inc.

76/363,248

V.

ADVANTAGE RENT-A-CAR, INC.

V.

American International
Investment

DENNIS B. HAASE
PO Box 6206
Hot Springs, AR 71902

Re: Registration No. 2346604¹
Issued: May 2, 2000 to American International
Investment

Registration No. 2655325
Issued: December 3, 2002 to Advantage Rent-A-Car, Inc.

Karl Kochersperger, Paralegal

The applicant in application Serial No. 76363248 has
applied for a concurrent use registration for the trademark
or service mark set forth below.

Name of applicant	:	Easy Cash, Inc.
Applicant's address	:	8601 West Markham Little Rock, AR 72205
Applicant's mark	:	EASY CASH
Goods or services	:	secured lending and deferred payment check cashing

¹ It is noted that this registration was cancelled on February 10, 2007
for failure to file a Section 8 affidavit.

05-01-2007

Filing date : January 22, 2002

Territory of use : Subject to concurrent use
Proceeding with American
International Investment and
Advantage Rent-A-Car, Inc.
Applicant claims exclusive
right to use the mark in the
area comprising the state of
Arkansas, Tulsa and Oklahoma
City, Oklahoma.

Attorney : DENNIS B. HAASE
PO Box 6206
Hot Springs, AR 71902

In its application, the applicant has recited as an exception to its allegation of exclusive use of said mark, use by you of an identical or very similar mark. Your mark, goods or services, and territory of use, as acknowledged in the referenced application, are set out below in a summary of details of the application. A copy of the application as filed is included herewith.

Registrant : American International
Investment

Your mark : EASYCASH (stylized)

Your goods or services : Financial services for
electronically converting cash
money into a predetermined,
fixed amount debit card

Your territory of use : Unknown

Registrant : Advantage Rent-A-Car

Your mark : EASY CASH

Your goods or services : Providing an incentive
commission program for travel
agents with respect to leasing
and rental of automobiles,
Class 35; Automobile rental
and leasing reservation
services, Class 39; Travel
agency services, namely,
making reservations and
booking for temporary lodging,
Class 42.

Your territory of use : Arizona, California, Colorado, Nevada, New Mexico, Texas, Utah, Washington, Canada, Central and South America, the Carribbean, Europe and the Middle East, Australia and New Zealand.

Since the Office has determined that applicant's mark appears entitled to registration, subject to a concurrent use proceeding with you, a concurrent use proceeding is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946.

The proceeding will be conducted in accordance with the Rules of Practice in Trademark cases, as set out in Title 37 of the Code of Federal Regulations. Trademark Rule 2.99 thereof, under which this notice is given, provides that:

An answer to the notice is not required in the case of an applicant or registrant whose application or registration is specified as a concurrent user in the application, but a statement, if desired, may be filed within forty days after the mailing of the notice; in the case of any other party specified as a concurrent user in the application, an answer must be filed within forty day after the mailing of the notice.

You are allowed until **40 days from the mailing date above** to file an answer in accordance with Trademark Rule 2.99. If filed, the answer should be directed to the allegations relating to concurrent use recited in the application identified herein.

You are also requested to advise the Board of any relevant applications or registrations, other than those already listed herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and should be filed on or before 40 days from the mailing date hereof.

**DISCOVERY AND TESTIMONY PERIODS ARE SET AS
INDICATED BELOW.**

IN EACH INSTANCE, a copy of the transcript of testimony together with copies of documentary exhibits, must be served

on the adverse party WITHIN THIRTY DAYS after completion of the taking of testimony. Rule 2.125.

Discovery period to open: 5/3/07

Discovery period to close: 10/30/07

30-day testimony period for party
in position of plaintiff to close: 1/28/08

30-day testimony period for party
in position of defendant to close: 3/28/08

15-day rebuttal testimony period
to close: 5/12/08

Briefs shall be filed in accordance with Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See TBMP § 502.06(a) (2d ed. rev. 2004).

If the parties to this proceeding are (or during the pendency of this proceeding, become) parties to another Board or civil proceeding involving related marks or other common issues of law or fact, they shall notify the Board immediately, so that the Board can consider consolidation or suspension of proceedings, if appropriate.

New Developments at the Trademark Trial and Appeal Board

For faster handling of all papers, the TTAB strongly encourages electronic filing whenever possible. TTAB forms for electronic filings are available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABvue at <http://ttabvue.uspto.gov>.

CC:

Dennis B. Haase
Post Office Box 6206
Hot Springs, AR 71902

Thomas J Miller
150-152 Mason St
Greenwich CT 06830

John P Walker
Law Offices Of John P Walker
1323 Hallmark
San Antonio, TX 78216

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: April 13, 2007

Concurrent Use No. 94002102

Easy Cash, Inc.

v

Advantage Rent-A-Car, Inc.

v

American International
Investment

DENNIS B. HAASE
PO Box 6206
Hot Springs, AR 71902

Re: Serial No.: 76363248
Filed: 1/22/02

Karl Kochersperger, Paralegal

A concurrent use proceeding involving your above-identified application is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946. The proceeding will be conducted in accordance with the Rules of Practice in Trademark Cases, as set out in Title 37 of the Code of Federal Regulations.

Advantage Rent-A-Car, Inc. and American International Investment, the registrants referred to in your application, are being notified on this date of the institution of the concurrent use proceeding and is being supplied with a copy of your application, in accordance with the provisions of Trademark Rule 2.99. As the owner of registration No. 2346604, American International Investment, and as the owner of registration No. 2655325, Advantage Rent-A-Car, Inc. are not required to file an answer but may do so under Trademark Rule 2.99. The Trademark Trial and Appeal Board has set 40 days from the mailing date hereof as the due date for any such answer.

You are requested to advise the Board of any relevant applications or registrations, other than those already

referenced herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and must be filed on or before **40 days from the mailing date above.**

**DISCOVERY AND TESTIMONY PERIODS ARE SET AS
INDICATED BELOW.**

IN EACH INSTANCE, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party **WITHIN THIRTY DAYS** after completion of the taking of testimony. Trademark Rule 2.125.

Discovery period to open: 5/3/07

Discovery period to close: 10/30/07

30-day testimony period for party
in position of plaintiff to close: 1/28/08

30-day testimony period for party
in position of defendant to close: 3/28/08

15-day rebuttal testimony period
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NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See TBMP § 502.06(a) (2d ed. rev. 2004).

If the parties to this proceeding are (or during the pendency of this proceeding, become) parties to another Board or civil proceeding involving related marks or other common issues of law or fact, they shall notify the Board immediately, so that the Board can consider consolidation or suspension of proceedings, if appropriate.

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<http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABvue at <http://ttabvue.uspto.gov>.

CC:

DENNIS B. HAASE
320 Ouachita Ave, Ste 313
POST OFFICE BOX 6206
Hot Springs, AR 71902

THOMAS J MILLER
150-152 MASON ST
GREENWICH, CT 06830

JOHN P WALKER
LAW OFFICES OF JOHN P WALKER
1323 HALLMARK
SAN ANTONIO, TX 78216

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant: Easy Cash, Inc.

For: EASY CASH, Fancifully Displayed

International Class 36

The Honorable
Commissioner of Patents & Trademarks
Washington, D. C. 20231

Dear Sir:

Easy Cash, Inc. is a corporation organized and existing under the laws of the State of Arkansas, having a principal place of business at 8601 West Markham, Little Rock, Arkansas 72205.

The above-identified Applicant has adopted and is using the service mark, EASY CASH, fancifully displayed, shown in the accompanying drawing for short term secured lending and deferred payment check cashing and retail sales of consumer items and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

The mark was first used on November 28, 1997; was first used in interstate commerce on February 6, 1999; and is now in use in such commerce.

The mark is used by printing the same on Applicant's letterhead, business cards and promotional materials, and three specimens of the mark are presented herewith.

Applicant hereby appoints DENNIS B. HAASE, Registration No. 22,037, of 319 East Markham, Post Office Box 3592, Little Rock, Arkansas 72203, telephone (501) 374-2100, fax (501) 374-4234 and email at dhaase@aristotle.net, as its attorney to prosecute this application to registration, to transact all business in the Patent and Trademark Office connected therewith, and to receive the Certificate of Registration.


Applicant submits herewith a check in the sum of \$325.00 in payment of the required filing fee.

Douglas Braswell declares that he is the President of Applicant and is authorized to execute this instrument; he believes that it is the owner of the mark sought to be registered and to the best of his knowledge and belief, no other person, firm, corporation, or association has the right to use said mark in commerce, either in identical form or in such near resemblance thereto as may be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that the facts set forth in this application are true; that all statements made herein of his own knowledge are true and that statements made on information and belief are believed to be true; and further, that these statements and the like so made are punishable by fine, or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code,
and that such willful, false statements may jeopardize the validity of the
application or any registration resulting therefrom.

EASY CASH, INC.

Dated: December 10, 2001

By 
Douglas Braswell, President



01-22-2002

U.S. Patent & TMO/TM Mail Rpt. Dt. #40

APPLICANT'S NAME: Easy Cash, Inc.
APPLICANT'S ADDRESS: 8601 West Markham, Little Rock, Arkansas 72205
GOODS AND SERVICES: Secured lending and deferred payment check cashing.
FIRST USE: November 28, 1997
FIRST USE IN COMMERCE: February 6, 1999

**EASY
CASH**


76363248

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

In Re The Application of
EASY CASH, INC.

Serial No. 76/363,248

Law Office 107

Filed: January 22, 2002

Examiner: Margery A. Tierney

For: EASY CASH, Fancifully Displayed

RESPONSE

BOX - RESPONSE - NO FEE
Commissioner for Trademarks
Post Office Box 1451
Alexandria, Virginia 22313-1451

Dear Sir:

Responsive to the Examiner's letter mailed September 22, 2004, and at her request, Applicant requests that the description of the services be amended, once again, to read:

"secured lending and deferred payment check cashing"

Applicant submits the requested Declaration stating that it has a concurrent use of the mark.

Applicant conducts its business in the entire State of Arkansas and in the Tulsa and Oklahoma City areas of the State of Oklahoma.

The Examiner has requested additional information with regard to Registration No. 2,346,604, owned by American International Investment Corporation. This is a registration previously cited by the Examiner, and Applicant attaches hereto a copy of the document from the TESS system. As indicated previously, the areas of use are:

"financial services for electronically converting case money into a predetermined, fixed amount debit card".

It should be further noted that Applicant has performed an online search of the records of the California Secretary of State to ascertain information with regard to Registrant. That website shows that a corporation by the same name has *forfeited* its active corporate status in the State of California. In another effort to obtain further information, a search at the Thomas Register website revealed no companies by this name, either in the State or California, or any other state in the United States. It is believed that if American International Investment Corporation is still in business, that that business is most likely confined to the western United States.

In its Response filed July 22, 2004, Applicant references Registration No. 2,665,325. This number contained a typographical error and should have been 2,655,325. The Registrant is Advantage Rent-A-Car, Inc. from San Antonio, Texas, and a copy of that document from the TESS system is attached hereto.

As shown on that document, the address for the Registrant is P.O. Box 5-D, San Antonio, Texas 78217, with a date of first use of May 16, 1999. The areas of use for the mark are in three classes, as follows:

"IC 039. Automobile rental and leasing reservation services;

"IC 042. Travel agency services, namely, making reservations and booking for temporary lodging;

"IC 035. Providing an incentive commission program for travel agents with respect to leasing and rental of automobiles."

Applicant found the website for Registrant, and that site shows that services are offered in only the Western United States, Mexico, the Caribbean, Central and South America, Europe and the Middle East, Australia and New Zealand.

REMARKS

This application has been carefully reviewed in light of the Examiner's letter of September 22, 2004.

The Examiner has requested a new Declaration stating that Application has a concurrent use of the mark instead of an exclusive right to use the subject mark, and that Declaration is attached hereto.

The description of the services has been, once again, amended in accordance with the Examiner's suggestion.

Additional information with regard to Registration No. 2,346,604, owned by American International Investment Corporation, previously cited by the Examiner, has been obtained, and that information has been provided, as well as a copy of the Registration itself.

Further, Applicant has cited Registration No. 2,655,325, owned by Advantage-Rent-A-Car, Inc., with regard to concurrent use. The information requested by the Examiner is provided, as well as a copy of the Registration itself.

As pointed out previously, neither the Applicant nor either Registrant's businesses cross, or solicit, or attract the same group of customers as those who use the mark, but in what is believed to be unrelated fields. Further, Applicant's mark, and those of the two referenced registrations are so different visually, that it is highly unlikely they could be reasonably confused with one another. Applicant has no knowledge of any conflict by and between the referenced marks and its own.

Under the circumstances as set forth herein, it is respectfully requested that the Examiner pass the mark to publication as a concurrent use mark, and such action is respectfully requested at the earliest practicable moment.

It is further requested that the Notice of Change of Address, filed on April 26, 2004, be noted, and that the new address be entered in this file.

Dated: January 20, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. B. Haase", written in a cursive style.

Dennis B. Haase
Registration No. 22,037
[501] 609-0404
Fax: 609-0406

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

In Re The Application of
EASY CASH, INC.

Serial No. 76/363,248

Law Office 107

Filed: January 22, 2002

Examiner: Margery A. Tierney

For: EASY CASH, Fancifully Displayed

DECLARATION OF DOUGLAS BRASWELL

BOX - RESPONSE - NO FEE
Commissioner for Trademarks
Post Office Box 1451
Alexandria, Virginia 22313-1451

Dear Sir:

I, Douglas Braswell, declare the following:

1. That I am the President of Applicant herein.
2. That Applicant has a concurrent use of the mark instead of an exclusive right to use the subject mark.

I declare that the facts set forth in this Declaration are true; that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true; and further, that these statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001

of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any registration resulting therefrom.

Dated: JANUARY 10, 2005

EASY CASH, INC.

By 
Douglas Braswell, President



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Word Mark	EASYCASH
Goods and Services	IC 036. US 100 101 102. G & S: FINANCIAL SERVICES FOR ELECTRONICALLY CONVERTING CASH MONEY INTO A PREDETERMINED, FIXED AMOUNT DEBIT CARD. FIRST USE: 19980700. FIRST USE IN COMMERCE: 19980700
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	260302
Serial Number	75552759
Filing Date	September 14, 1998
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 8, 2000
Registration Number	2346604
Registration Date	May 2, 2000
Owner	(REGISTRANT) AMERICAN INTERNATIONAL INVESTMENT CORPORATION CALIFORNIA 1127 Wilshire Boulevard, Suite 811 Los Angeles CALIFORNIA 90017
Attorney of	

Record THOMAS J MILLER
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Record 1 out of 1

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Easy Cash

Word Mark

EASY CASH

**Goods and
Services**

IC 039. US 100 105. G & S: AUTOMOBILE RENTAL AND LEASING
RESERVATION SERVICES. FIRST USE: 19990516. FIRST USE IN COMMERCE:
19990516

IC 042. US 100 101. G & S: TRAVEL AGENCY SERVICES, NAMELY, MAKING
RESERVATIONS AND BOOKING FOR TEMPORARY LODGING. FIRST USE:
19990516. FIRST USE IN COMMERCE: 19990516

IC 035. US 100 101 102. G & S: PROVIDING AN INCENTIVE COMMISSION
PROGRAM FOR TRAVEL AGENTS WITH RESPECT TO LEASING AND RENTAL
OF AUTOMOBILES. FIRST USE: 19990516. FIRST USE IN COMMERCE: 19990516

**Mark Drawing
Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number

75821772

Filing Date

October 13, 1999

**Current Filing
Basis**

1A

**Original Filing
Basis**

1A

**Published for
Opposition**

March 27, 2001

Registration

2655325

Number**Registration
Date**

December 3, 2002

Owner(REGISTRANT) ADVANTAGE RENT-A-CAR, INC. CORPORATION TEXAS P.O.
Box 5-D San Antonio TEXAS 78217**Attorney of
Record**

JOHN P WALKER

Type of Mark

SERVICE MARK

Register

PRINCIPAL

**Live/Dead
Indicator**

LIVE

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CERTIFICATE OF MAILING

In Re The Application of

EASY CASH, INC.

Serial No. 76/363,248

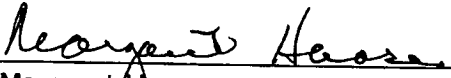
Filed: January 22, 2002

For: EASY CASH, Fancifully Displayed

I hereby certify that this document is being deposited with the United States Postal Service, first class mail, charges prepaid, in an envelope addressed to:

BOX - RESPONSE - NO FEE
Commissioner of Trademarks
Post Office Box 1451
Alexandria, Virginia 22313-1451

on January 20, 2005.


Margaret Haase

Dated: January 20, 2005



Douglas Braswell

8601 W. Markham
Little Rock, AR 72205

Phone (501) 228-7296
Fax (501) 312-2082

easycash@arkansas.net



Douglas Braswell

8601 W. Markham
Little Rock, AR 72205

Phone (501) 228-7296
Fax (501) 312-2082

easycash@arkansas.net



Douglas Braswell

8601 W. Markham
Little Rock, AR 72205

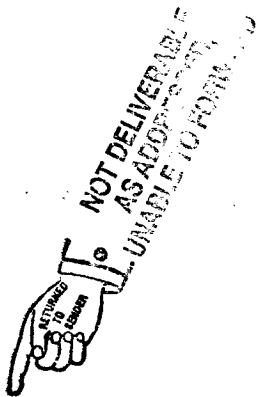
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easycash@arkansas.net

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THOMAS J MILLER
150-152 MASON ST
GREENWICH CT 06830

